



City of Seattle

Department of Planning and Development  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

**Project Number:** 3011350

**Applicants:** Brian Runberg, Runberg Architecture Group, for Harbor Properties

**Address:** 3701 S Hudson Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a five story building containing 124 residential units. Parking for 103 vehicles to be provided in a below grade garage. Existing warehouse structure to be demolished.

The following Master Use Permit components are required:

**Design Review** - Section 23.41, Seattle Municipal Code (SMC)  
*Street-level Development Standards (setbacks) SMC 23.47A.008 A 3*

**Administrative Conditional Use** – Section 23.47A.006, a3  
*Residential Use in a C-2 Zone*

**SEPA-Threshold Determination** (Chapter 25.05 SMC).

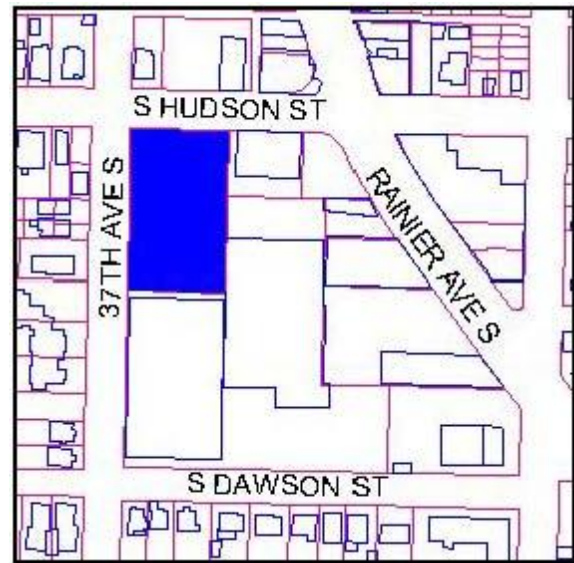
Other requirements:

Certificate of Approval from Landmarks Preservation Board.

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☒ DNS with conditions  
☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

## **SITE BACKGROUND INFORMATION:**

The development site is located at the southeast corner South Hudson to the north and 37th Avenue South to the west and occupies a total land area of approximately 37,600 square feet. The subject lot is zoned Commercial Two with a height limit of 65 feet (C2-65), in the Columbia City neighborhood of South Seattle. Other overlays found at the site are the Columbia City Residential Urban Village and the Southeast Seattle Reinvestment Area Overlay District. Additionally, the east portion of the subject lot falls within the Columbia City Landmark District. The site is not within a designated Environmentally Critical Area (ECA).



The site slopes moderately downward from the west property line to the east property line, approximately 6 feet over a distance of 150 feet. The abutting streets are fully developed rights-of-way with asphalt roadway and with curbs, sidewalks and gutters.

### **Development**

Rainier Avenue South located at the east end of the block is a primary arterial. Rainier Avenue is the life-blood of the commercial corridor for an area that supports a mix of retail, restaurant, office, and industrial uses to name a few. Zoning along Rainier Avenue includes C2, Neighborhood Commercial Two and Three with height limits of 40 and 65 feet (C2-65, NC2-40, & NC3P-40). The commercial zones are characterized by surface parking and buildings well under the area's zoned height limit predominates this area. To the west across 37th Avenue South are a number of residential zones, including Multifamily Lowrise Two (L-2) and Single family 5000 zones that supports a varied assortment of residential structures (apartments, townhomes, and single family). This area is distinctly residential in character with a modest density of residential uses. To the north across South Hudson Street commercial uses dominate the street experience.

### **Public Comments**

Public comment regarding the site and general proposal was invited at the time the Master Use Permit application was noticed. During the public comment period which ran from August 5, 2010 to August 18, 2010. A representative of the Seattle Public Schools Facilities Planning Office requested information regarding residential unit count in order to assess impacts on local schools in the neighborhood. Two members of the public requested to be made parties of record for the project without making specific comments. One letter pointed to the need for new sidewalks in the area. Another objected to the project since it would up the demand for street parking, already in short supply. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below.

## **EARLY DESIGN GUIDANCE MEETING –JUNE 22, 2010**

### **PROJECT PROPOSAL**

The design team (which included the owner's representative, lead architect and landscape planner) presented three alternative design schemes. All of the options showed vehicle access to an underground parking garage (109 spaces) taken off South Hudson. The building's northwest corner would be sculpted at the intersection of South Hudson and 37th Avenue in response to the lower density residential zones to the west. Each scheme would incorporate sustainable features including rooftop gardens, materials and elements to reduce the building's carbon footprint. The design includes a six to five-stories, with residential use above street level. One of the three schemes (Scheme "C") would establish residential use at street level. The residential unit count would range between 136 to 123 units. The architect says that exterior building materials and color palette will be influenced by buildings in the greater Columbia City area with sensitivity to abutting zones. Two development departures are being sought at this time, reduction in Driveway Width and Sight Triangle.

The first option (Scheme "E") has a six-story, E-shaped building with two courtyards facing east to take greater advantage of morning sunlight. A solid wall fronts 37th Avenue. In Option D, the building's height extends to five-stories with its center cut-out to allow natural light into an interior courtyard. The exterior wall along 37th Avenue would be modulated to break up the building's mass which is across the street from the lower density multifamily (L-2) zone. Under Option C (applicant's preferred scheme) the proposed structure would extend five-stories above grade, with residential use on all floors. The building's mass would be C-shaped with its open side facing west on 37th Avenue. Two, two-story townhouse structures will be set within the interior area, separated by a courtyard. The structure's footprint would provide a generous setback along South Hudson in alignment with the residential zone further to the west.

### **PUBLIC COMMENT**

Approximately 16 members from the public attended this Early Design Review meeting with only eight filling out the sign-in sheet. The following comments, issues and concerns were raised:

- Supports preferred scheme with the C-shaped building mass opening up onto 37th Avenue. Many of the siting decisions were "spot-on."
- Serious consideration should be made to establish 37th as the proposal's front door, with South Hudson exploring options to have a more commercial orientation with live-work use.
- Five-story structure seems appropriate but would not mind if an additional story was added.
- Vehicle access should function more like an alley in anticipation of future development. We should know what easements are in place to allow other parcels on the block to access the driveway.
- The proposed building at street level should embrace the sidewalk; the building seems to turn its side to 37th and loses its connection to South Hudson.

- The building should be kept at five-stories, creates better compatibility with the residential zone to the west.
- It's a good idea not to place commercial uses along South Hudson.
- The courtyard and perimeter landscaping seem generous, but what guarantees it will be well designed and maintained – will people actually use the courtyard. Will the at-grade courtyard be open to the public? (No, was the response from the applicant).
- Love street level variation with landscaping, retaining walls and modulations.
- Building appears to be too monolithic. Would like to see greater variations – shake up the exterior façade elevations.
- The proposed five-story building's mass is too big; the structure should be lowered to minimize affected views on surrounding properties.

## **PRIORITIES**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

### **Site Planning**

#### **A-1 RESPONDING TO SITE CHARACTERISTICS**

**The siting of buildings should respond to specific site conditions and opportunities such as nonrectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**

#### **A-2 STREETScape COMPATIBILITY**

**The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.**

#### **A-3 ENTRANCES VISIBLE FROM THE STREET**

**Entries should be clearly identifiable and visible from the street.**

#### **A-4 HUMAN ACTIVITY**

**New development should be sited and designed to encourage human activity on the street.**

#### **A-5 RESPECT FOR ADJACENT SITES**

**Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

#### **A-6 TRANSITION BETWEEN RESIDENCE AND STREET**

**For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**

#### **A-7 RESIDENTIAL OPEN SPACE**

**Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

#### **A-8 PARKING AND VEHICLE ACCESS**

**Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.**

The articulation of pedestrian entries should visually announce entries. Emphasis should be directed towards making the building readable, directing visitors to the development site to the appropriate destination entries. The two street fronts should be as welcoming as possible.

The Board encouraged the applicant to design a building that has a lively street edge especially along 37th Avenue. Thirty-Seventh Avenue is more appropriate to locate front entries (with wide steps or stoops) to provide opportunities for social engagement along the streetscape. The building's mass should be more permeable along 37th to activate the street. The Board encouraged the architect to reorient the townhomes entries to face 37th Avenue.

The Board would like to see a high-quality right-of-way design and a landscape plan that endeavors to enhance the pedestrian streetscape. See also E-2.

Contextually, the driveway access to the below grade parking garage should be viewed as an alley and designed in a manner to visually enhance this environment that will also serve as access for pedestrians. (Note: This area falls within the Columbia City Landmark District's purview and will need their approval.)

Board would like to see a detailed design of the courtyard space to better understand how it addresses visual, noise, and security impacts.

The Board supported the preferred design scheme with the C-shaped building mass opening out onto the 37th street frontage. However, the massing at street level should be reinforced with a strong street presence to help define the street edge.

### **Height, Bulk and Scale**

#### **B-1 HEIGHT, BULK AND SCALE**

**Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by , less-intensive zones.**

The Board acknowledged that the first floor is generous but the applicant should be considering impacts of the upper floors on the abutting properties to the south and across 37th Avenue. The setback along South Hudson provides an appropriate mass transition along a street that becomes residential in character west of the development site.

## **Architectural Elements and Materials**

### **C-1 ARCHITECTURAL CONTEXT**

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting patterns of neighboring buildings.

### **C-2 ARCHITECTURAL CONCEPT & CONSISTENCY**

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit forms and features identifying the functions within the building.

### **C-3 HUMAN SCALE**

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

### **C-4 EXTERIOR FINISH MATERIALS**

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern or lend themselves to a high quality of detailing area encouraged.

The Board encouraged the design team to pick-up on architectural themes found in the surrounding Columbia City area - Industrial Contemporary was one of several suggestions to inform a design language. The proposed structures should be designed to gracefully fit within a development site that is sympathetic to the residential zone to the west and commercially zoned properties to the north.

The Board emphasized the need to design proposed buildings in a manner that spatially integrate functional social spaces and establish safe spaces between townhouse structures and the main building.

For the next meeting, the applicant was advised to provide well-detailed materials and color palette. Use of high quality, durable and well-detailed materials, it was pointed out, were critical elements to the overall success of the project. The Board said they looked forward to reviewing a well-detailed material and color palette. The Board further suggested that a design approach to enhance the 37<sup>th</sup> Avenue S. frontage, with an emphasis on pedestrian amenities in and around the proposed courtyard, will determine how successful this outdoor space will become.

## **Pedestrian Environment**

### **D-1 PEDESTRIAN OPEN SPACES AND ENTRANCES**

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

### **D-3 RETAINING WALLS**

**Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.**

### **D-8 TREATMENT OF ALLEYS**

**The design of alleys entrances should enhance the pedestrians' street front.**

### **D-12 RESIDENTIAL ENTRIES AND TRANSITIONS**

**For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and be visually interesting for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops, and other elements that work to create a transition between the public sidewalk and private entry.**

The Board discussed the importance of the sidewalk street experience with retaining walls along both rights-of-way. Special emphasis should be directed towards 37th Avenue with the longest street frontage and the need to enhance a residentially oriented street. How the development is framed at the street edge is an important design element in the overall design composition and should be treated as such with an eye on detail.

The Board reiterated that they would like the design team to treat the driveway as an alley and consider design possibilities to establish an event space. Accommodations for pedestrians activating this space should be employed. The Board stressed the importance of pedestrian safety and connecting this area with existing and proposed structures. The applicant should show this is achieved at the next meeting. See also A-8.

The flow and connection of the entries along South Hudson are appropriate – if it is well executed. This frontage should become an asset to the overall design composition. Thirty-Seventh Avenue will need additional work to enhance the residential character of the streetscape. The front doors should open up onto 37th Avenue; creations of common social spaces are encouraged to facilitate interactions with neighbors. Good architectural detailing is needed to visually engage the public in this realm.

## **Landscaping**

### **E-2 LANDSCAPING TO ENHANCE THE BUILDING AND/OR SITE**

**Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.**

The Board looks forward to reviewing a well-detailed landscape plan that emphasizes urban agriculture. A maintenance plan must be included to assure the green spaces remain vibrant and attractive over the years. At grade, the Board encouraged using quality landscaping to soften the transition between the site and the residential zone to the west.

## **DEVELOPMENT STANDARD DEPARTURES**

The Board found that there was not sufficient justification for narrowing the driveway width since there was the combined need for pedestrian access and existing and future vehicle activity. The Board indicated they would not support the departure request to reduce driveway width. The applicant would need to show that the lack of a sight triangle would somehow better meet the guidelines. Installation of safety devices alone, it was noted, was not a reason for granting a departure.

## **Recommendation Meeting-December 14, 2010**

### **ARCHITECT'S PRESENTATION**

Brian Runberg, of Runberg Architecture Group, presented a PowerPoint presentation that identified the project goals of creating housing within a transit oriented development. He elaborated on the preferred massing scheme and responded to each of the Early Design Guidance priorities by showing colored drawings (site plan, elevations, plans), renderings of the overall 3-d view, and pedestrian-level streetscape renderings. The improved courtyard scheme was detailed and rendered as well as the updated landscape plan for the alley and entrance areas. Samples of the materials proposed on the building exterior were also presented.

### **BOARD QUESTIONS**

The Board had the following questions and clarifying comments, with responses from the applicant:

- Is the courtyard public or private and are there more private zones for the townhome units? Is the main area more for circulation or can residents sit there?
- The catenary-hung lights will define and form the residential common area with furniture for the residents to sit, while a more private area for the townhomes is pulled off the main circulation area. Working urban agriculture planters will be provided within the common residential space.
- Can the public occupy the “stoop” directly west of the courtyard gate?
  - As defined in the renderings, the courtyard gate is pulled back from the property line to allow ample space for the public to sit on the stoop steps and possibly interact with neighbors.
- How wide is the concrete strip sidewalk that leads to the parking garage in the alley?
  - 4'-0” wide
- Where is trash stored and collected?
  - Immediately at the bottom of the drive ramp and tucked under building within garage.
- What encloses the garage?
  - The entire garage is secured with a series of metal mesh gates.
- Does the applicant have any responsibility for street lighting?
  - The public utilities control street lights themselves, but there will be ambient and safety lighting that will affect the lighting conditions of the sidewalk and alley areas.



- Why did the design team choose not to respond to the EDG to open the townhome front doors onto 37<sup>th</sup> Avenue?
  - Rotating the townhomes to face the street perpendicular versus parallel would severely compromise the openness and negatively affect the courtyard space as well as light and air by closing it off from the townhomes. Other design gestures were implemented to achieve the open engagement to 37<sup>th</sup> desired by the Board such as providing porches from the townhome units and more windows and Juliet balconies on the main building. Multiple openings of gates and front doors to the street were avoided due to concern of confusion on points of entry and security concerns.
- Clarify need for departure #3 (setbacks)
  - To comply with this code requirement, the design team felt the 4 feet vertical setback and 10 feet horizontal setback from the property line was too disengaging from the street. The design provides a more subtle 2 feet up and between 2-4 feet back along 37<sup>th</sup> Avenue.

### **PUBLIC COMMENT**

Approximately 4 members of the public attended the DRB meeting. The following comments were offered:

- Liked the landscaping and urban agriculture concepts.
- Encouraged design team to look at possible “vertical” farming examples.
- If the element at the main entry is a water feature, would encourage the design team to look into spending more time and energy on canopies, as water features typically look unmaintained soon after completion.
- Likes courtyard but skeptical about townhomes privacy along 37th.
- The single curb cut for the entire project is great for the pedestrian environment.
- In favor of project, though would suggest reducing total number of parking stalls to accommodate more medium sized.
- The design is doing a lot of things right and approve overall from previous EDG submittal.
- The setback departure is not completely justified as the townhomes will most likely be closed off or blinds drawn to 37th for privacy.

### **BOARD DELIBERATIONS**

- The courtyard has significantly improved into a social space where residents can gather. The entrance along Hudson Street has been softened and refined. The urban agriculture component is a good element in addition to the abundant landscaping, which is significantly more than the required amount.
- The design itself is just about there. It is a large structure in context to the surrounding area but has been well mitigated with good articulation of numerous plan elements and gestures. There are remaining concerns for the 37th Ave condition as it relates to the setback departure.
- The building has a nice beckoning presence from Rainier Ave. The treatment of the alley condition has improved and been refined. It seems there is a geometry problem, making the stoops not work along 37th Ave. Given that reality, the design team has found an appropriate solution.

- The north elevation looks to be mostly metal. Materials were clarified with the provided materials board.

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, all Design Review Board members in attendance recommended approval of the subject design and did not recommend conditions for the project.

All Board members in attendance unanimously approved the following design departures:

DEVELOPMENT STANDARD REQUIREMENT	REQUEST/ PROPOSAL	JUSTIFICATION	ACTION
<b>SMC 23.54.030.G2</b> For two way driveways or easements 22 feet wide or more, a sight triangle on the side of the driveway used as an exit shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk, or curb intersection if there is no sidewalk. The entrance and exit lanes shall be clearly identified.	The use of traffic calming devices or traffic safety mirrors to mitigate the absence of the sight triangle at the S Hudson Street driveway.	The driveway is situated on a legal easement and abuts a historic building, thus making the site triangle unfeasible.	The Board voted unanimously to recommend approval of all requested departures.
<b>SMC 23.54.030.B.1.b</b> When more than five parking spaces are provided, a minimum of 60 percent of the parking spaces shall be striped for medium vehicles. The minimum size for a medium parking space shall also be the maximum size. Forty percent of the parking spaces may be striped for any size, provided that when parking spaces are striped for large vehicles, the minimum required aisle width shall be as shown for medium vehicles.	52% of the parking spaces are striped for medium cars and 48% are striped for compact cars.	The proposed parking mix reflects the urban location of the project site where most of the residents will drive smaller cars than the required mix.	The Board voted unanimously to recommend approval of all requested departures.
<b>SMC 23.47A.008.D.3.</b> The floor of a dwelling unit located along the street-level street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk.	Units to be located from 0' to 58'-8" off of the property line and 0' to 2'-0" above finished grade @ R.O.W along 37th Ave.	Along 37th Avenue there are 4 units that are less than 10 feet to the property line. These units are 2 feet above the ROW. This condition is a compromise between code requirements and the direction of the DRB with respect to neighborhood compatibility. The DRB expressed concerns that elevating these units 4 feet	After consideration of the unique condition of the townhome type units, and given the wide right of way along 37 <sup>th</sup> Avenue S in addition to the screening and landscape provided in the design, the Board voted unanimously to

		<p>above 37th Avenue would create a wall along the ROW and result in an unfriendly pedestrian environment.</p> <p>It is our understanding that the intent of SMC 23.47A.008.D.3 is to provide a buffer between residential use and the street level. The project provides a buffer using other elements between the residences and the ROW such as landscaping, screening, and privacy windows.</p>	<p>recommend approval of all requested departure.</p>
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### **ANALYSIS AND DECISION - DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings Design Guidelines*. The Director **APPROVES** the subject design consistent with the Board's recommended conditions which are noted at the end of the decision. The Director also approves the departures recommended by the Board for approval.

This decision is based on the Design Review Board's final recommendations, on the plans, drawings and other materials presented at the public meeting on December 14, 2010 and the plans on file at DPD. The design, siting, and architectural details of the project are expected to remain substantially as presented at the recommendation meeting except for any alterations required in response to the granting of a Certificate of Approval by the Department of Neighborhoods.

### **ANALYSIS – ADMINISTRATIVE CONDITIONAL USE**

Pursuant to SMC Section 23.47A.006 A3a, the following criteria shall be used to evaluate and/or condition proposals for residential uses in C2 zones:

- 1) *The residential use generally should not be located in an area with direct access to major transportation systems such as freeways, state routes and freight rail lines.*

The site is not particularly close to access points along Interstate 5, nor is it near to Aurora Ave N. State Highway 99). There are no freight rail lines or connecting trunk lines in the vicinity.

- 2) *The residential use generally should not be located in close proximity to industrial areas and/or nonresidential uses or devices that have the potential to create a nuisance or adversely affect the desirability of the area for living purposes as indicated by one of the following:*

- i. *The nonresidential use is prohibited in the NC3 zone:*

There is some warehouse and light manufacturing uses in the general area which, although limited in allowed size, would not be prohibited in an NC3 zone.

- ii. *The nonresidential use or device is classified as a major noise generator;*  
*or*
- iii. *The nonresidential use is classified as a major odor source.*

There are no known major noises of odor generators in the area of the proposed residential use.

- 3) In making a determination to permit or prohibit residential uses in C2 zones, the Director shall take the following factors into account:

- i. *The distance between the lot in question and major transportation systems and potential nuisances;*

No potential nuisances nearby have been identified and the proposed site for residential development is not located near direct access to freeways, state highways or freight rail lines.

- ii. *The presence of physical buffers between the lot in question and major transportation systems and potential nuisance uses;*

No potential nuisance uses have been identified and the proposed site for residential uses is not located near direct access to freeways, state highways or freight rail lines.

- iii. *The potential cumulative impacts of residential uses on the availability for nonresidential uses of land near major transportation systems; and*
- iv. *The number, size, and cumulative impacts of potential nuisances on the proposed residential uses.*

The proposed site for residential uses is not located near major transportation systems, and there have been identified no cumulative impacts of potential nuisances on the proposed residential uses.

Properties located directly across 37<sup>th</sup> Avenue S. are zone multifamily residential (L2); a large area directly north and west of the site, across the intersection of 37<sup>th</sup> Avenue S. and S. Hudson Street is zone SF 5000 and developed with single family residences. The C2 properties near the proposed site include some larger lots occupied by commercial uses, including some devoted to general manufacturing, warehousing, repair services, offices and retail stores. Residential uses have coexisted with such commercial uses for decades on this site and nearby sites. Existing businesses do not appear to generate the “nuisance” impacts, such as noise, dust, or odors that may be more typically associated with some commercial areas. A general trend in the area is for properties once devoted to heavier commercial uses to give way to office and mixed use residential projects.

DPD determines there is no clear indication that existing nonresidential development in the neighborhood will adversely affect the residential use of this site.

## **DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT**

The application for an administrative conditional use permit is **GRANTED**.

## **CONDITIONS – ACU PERMIT**

None.

## **ANALYSIS - STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated July 22, 2010). The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. This decision also makes reference to and incorporates the project plans submitted with the project application.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in pertinent part that “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation.” Under specific circumstances, mitigation may be required even when the Overview Policy is applicable. SMC 25.05.665(D).

## **ENVIRONMENTAL IMPACTS**

The information provided by the applicant and its consultants, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the project. The potential environmental impacts disclosed by the environmental checklist are discussed below. Where necessary, mitigation is called for under Seattle’s SEPA Ordinance (SMC 25.05).

### Short - Term Impacts

Anticipated short-term impacts that could occur during demolition excavation and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many of these impacts are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Storm-water, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

### Earth

It is not anticipated that perched groundwater will be encountered during the minor amount of excavation required for the project; any construction dewatering can be handled with ditching and sumps within the excavation. The Seattle Stormwater Grading and Drainage Control Code requires that water released from the site be clean and limits the amount of suspended particles therein. Specifically, the ordinance provides for Best Management Practices to be in place to prevent any of the water or spoil resulting from excavation or grading to enter the area of the wetland or its buffer. No SEPA policy based conditioning of earth impacts during construction is necessary.

### Traffic and Parking

Traffic during some phases of construction, such as excavation and concrete pouring, will be expected to be great enough to warrant special consideration in order to control impacts on surrounding streets. Seattle Department of Transportation will require a construction phase truck transportation plan to deal with these impacts. The applicant(s) will be required to submit a Truck Trip Plan to be approved by SDOT prior to issuance of any demolition or building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

### Noise-Related Impacts

Both commercial and residential uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. In addition, therefore, as a condition of approval, the proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m.

### *Air Quality Impacts*

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing,
- Increased noise levels,
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne. The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to any demolition on site. If any asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Construction activities themselves will generate minimal direct impacts. However the indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

### Air Quality

The number of vehicular trips associated with the project will increase the quantities of carbon dioxide and other greenhouse gas emissions in the area. Additionally, the project may create a level of electrical energy demand and natural gas consumption that does not currently exist on the site. Together these changes will result in ambient increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Total lifespan emissions for the proposed residential building have been calculated at 143,606 MTCO<sub>2</sub>e. While these impacts are adverse, they are not expected to be significant.

### Height, Bulk, and Scale

The proposal does not exceed the height of development allowed in the Commercial 2-65 zone. The height, bulk and scale measures were addressed during the Design Review process. Pursuant to the Height, Bulk and Scale Policy of SMC 25.05.675 a project that is approved pursuant to the design review process shall be presumed to comply with the height, bulk and scale policies. The proposed structures have been endorsed by the Design Review Board as appropriate in height, bulk and scale for the project.

### Historic Preservation

A portion of the proposal site lies within the Columbia City Landmark District. Additionally, the proposed building lies across a driveway from the Columbia City Motors Building, designated as a Contributing Building to the Columbia City Landmark District.

A significant number of buildings within the Columbia City Landmark District embody distinctive characteristics of turn-of-the-century modest commercial and residential architecture. They possess integrity of location, compatibility of design, scale, and use of materials, and impart a sense of historic continuity, a feeling of association and a sense of place. The area is



significant for landmark designation not only because of its buildings, but especially because of the total quality of an earlier small town: a pleasant admixture of commercial buildings, churches, apartments and houses, and within its core a small and integral park.

Any work that falls within the boundaries of the Columbia City Landmark District, including, but not limited to demolition of existing structure(s), and changes to the site, including landscaping, paving, etc., requires Application for a Certificate of Approval within the Department of Neighborhoods and ultimately approval from the Columbia City Review Committee, such approval pending the Department of Planning and Development's SEPA determination. Issuance of Master Use Permit by DPD is dependent upon approval of the Landmarks Preservation Board, and this decision shall be so conditioned.

### Transportation

A traffic impact analysis, dated August 20, 2010, has been prepared for this project by Heffron Transportation, Inc. According to that analysis the proposed projects would increase site traffic by about 490 vehicle trips per day, with an increase of 36 vehicle trips during the AM and 46 trips during the PM peak hours. The project trips are expected to add very little delay to the study area signalized intersections during the PM peak hour, with each study intersection to operate at Level of Service (LOS) B or better in the future with the proposed project. The analysis concludes that no off-site transportation mitigation is required to accommodate the proposed development.

### Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with a requirement of the Washington State Growth Management Act (GMA). The system, described in DPD *Director's Rule 4-99* and the City's Land Use and Zoning Code, is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The two screen-lines relevant to this project would have v/c ratios less than the respective LOS standard and the addition of peak hour traffic generated by the proposal would meet the City's transportation concurrency requirements.

### Parking Impacts

The proposed supply of 103 stalls meets the minimum required by Code and would accommodate the expected demand. No off-site parking impacts are expected from this project and no other SEPA conditioning of parking impacts will be imposed.

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

## **CONDITIONS-SEPA**

Based upon the above analysis, the Director has determined that the following conditions are reasonable and shall be imposed pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

The owner(s) and/or responsible party(s) shall:

### **Prior to Issuance of MUP**

1. The applicant shall obtain a Certificate of Approval from the Department of Neighborhoods.

### **During Construction**

2. The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. Since more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction:

“The hours of construction activity not conducted entirely within an enclosed structure shall be limited to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. unless this restriction is modified on a case by case basis or in an approved Construction/Noise Impact Management Plan prepared and submitted to DPD for approval before any demolition or any phase of construction begins.”

## **CONDITIONS-DESIGN REVIEW**

### **For the Life of the Project**

3. The design, siting, and architectural details of the project shall remain substantially as presented at the Design Review recommendation meeting of December 14, 2010, except for any alterations made in response to the granting of a Certificate of Approval by the Department of Neighborhoods., which alterations shall be incorporated into the plan sets to be re-submitted to DPD prior to issuance of the Master Use Permit.

### **Prior to Issuance of a Certificate of Occupancy**

4. The design, siting, and architectural details of the project shall remain substantially as presented at the Design Review recommendation meeting of October 22, 2009, except for any alterations required by the Department of Neighborhood's Certificate of Approval for the project and incorporated into the plan sets to be re-submitted to DPD prior to issuance of the Master Use Permit. Compliance with the approved design features and elements, including exterior materials, architectural detail, facade colors, and landscaping, shall be verified by the DPD Planner assigned to this project, Michael Dorcy (phone 206-615-1393). Inspection appointments with the Planner shall be made at least three (3) working days in advance of the inspection.

Conditions Administrative Conditional Use

None.

Signature: \_\_\_\_\_ (signature on file)  
Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development  
Land Use Services

Date: March 7, 2011